

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ROBERT BARICKMAN,

Plaintiff,

v.

Civil Action No. 1:07cv134
(Judge Keeley)

FRED BUMGARDNER,
PAROLE BOARD MEMBERS

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION DENYING
MOTION TO PROCEED IN FORMA PAUPERIS AS MOOT**

On September 28, 2007, the pro se plaintiff, Robert Barickman ("Barickman"), filed a civil rights action and an "Application for Leave to Proceed Without Prepayment of Fees" (dkt. no. 2). The Court referred the matter to United States Magistrate Judge John S. Kaull for initial screening and a report and recommendation.

On October 4, 2007, Judge Kaull issued a Report and Recommendation finding that, at the time his case was filed, Barickman had sufficient funds in his inmate account to pay the \$350.00 filing fee. Judge Kaull therefore recommended denying Barickman's motion to proceed without prepayment of fees, and ordering Barickman to pay the full filing fee.

The Report and Recommendation also specifically warned that Barickman's failure to object to the recommendation would result in

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the waiver of his appellate rights on this issue.¹

Barickman has not filed any objections, and instead, on October 17, 2007, Barickman paid the requisite filing fee (dkt. no. 10).

The Court, therefore, **ADOPTS** the Report and Recommendation in its entirety, and **DENIES AS MOOT** the motion to proceed in forma pauperis (dkt. no. 2).

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the pro se petitioner, certified mail, return receipt requested and to counsel of record.

Dated: October 22, 2007

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).